

Jeffrey W. Shopoff (Bar No. 46278)
Gregory S. Cavallo (Bar No. 173270)
James M. Robinson (Bar No. 238063)
SHOPOFF & CAVALLO LLP
505 Sansome Street, Suite 1505
San Francisco, CA 94111
Telephone: (415) 984-1975
Facsimile: (415) 984-1978

Attorneys for Plaintiff
BALBINDER (BO) THIARA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BALBINDER (BO) THIARA, an individual,
Plaintiff,

v.

ROBERT E. KIERNAN III, an individual;
RESOLUTION CAPITAL MANAGEMENT
LLC, a Delaware limited liability company;
RESOLUTION CAPITAL ADVISORS LP, a
Delaware limited partnership; and DOES 1
through 50,

Defendants.

Case No. C-06-03503 MJJ

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING PLAINTIFF'S
MOTION TO REMAND TO STATE
COURT AND DEFENDANT'S MOTION
TO DISMISS**

Date: September 12, 2006
Time: 9:30 a.m.
Judge: Honorable Martin J. Jenkins
Courtroom 11, 19th Floor

The hearings on plaintiff's Motion to Remand to State Court and defendant's Motion to Dismiss Complaint are currently scheduled for September 12, 2006, at 9:30 a.m. The vacation schedule of counsel for plaintiff makes September 12, 2006, infeasible as a hearing date for the Motion to Dismiss Complaint. The next available hearing date on the Court's and counsel's calendar is October 3, 2006. The parties hereby stipulate and request that the Court reschedule these hearings for October 3, 2006, at 9:30 a.m., in Courtroom 11. The briefing schedules similarly be continued in conformance with the Local Rules considering the new hearing date.

Dated: July 24, 2006

SHOPOFF & CAVALLO LLP

By /s/ Gregory S. Cavallo
 Gregory S. Cavallo
 Attorneys for Plaintiff BALBINDER (BO) THIARA

Dated: July 24, 2006


ZELLE, HOFMANN, VOELBEL, MASON &
 GETTE LLP

By _____
 Christopher Micheletti
 Attorneys for Defendant
 ROBERT E. KIERNAN III

ORDER

IT IS ORDERED that the hearings on plaintiff Balbinder Thiara's Motion to Remand to State Court and defendant Robert Kiernan's Motion to Dismiss Complaint, now scheduled for September 12, 2006, shall be recalendared for ~~October 3, 2006, at 9:30 a.m.~~ **October 24, 2006 @ 9:30 a.m.**

DATED: 7/28/2006



 Honorable Martin J. Jenkins
 United States District Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the city and county of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is: 505 Sansome Street, Suite 1505, San Francisco, California 94111.

On July 24, 2006, I served the documents described as:

**STIPULATION AND [PROPOSED] ORDER CONTINUING
PLAINTIFF'S MOTION TO REMAND TO STATE COURT AND
DEFENDANT'S MOTION TO DISMISS**

in this action by placing the true copies thereof enclosed in sealed envelopes addressed as follows:

M. William Munno
Seward & Kissell LLP
One Battery Park Plaza
New York, NY 10004
Telephone: 212-574-1200
Facsimile: 212-480-8421

☒ (BY MAIL) I am "readily familiar" with the firm's practice for collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY FAX) At _____ .m., I transmitted, pursuant to Rules 2001 et seq., the above-described document by facsimile machine (which complied with Rule 2003(3)), to the above-listed fax number(s). The transmission originated from facsimile phone number (415) 984-1978 and was reported as complete and without error. The facsimile machine properly issued a transmission report, a copy of which is attached hereto.

☐ (BY PERSONAL SERVICE) I caused to be delivered such envelope by hand to the offices of the addressee.

☐ (BY OVERNIGHT DELIVERY) I caused said envelope(s) to be delivered overnight via an overnight delivery service in lieu of delivery by mail to the addressee(s).

Executed on July 24, 2006, at San Francisco, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/s/ Cynthia McIver
Cynthia McIver